

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Plaintiff

v.

CERT OFFICERS OF ELY STATE
PRISON, *et al.*,

Defendants

Case No. 3:23-cv-00571-ART-CLB

ORDER

I. DISCUSSION

On December 6, 2023, the Court denied Plaintiff's application to proceed *in forma pauperis* as incomplete and directed Plaintiff to file a new fully complete application to proceed *in forma pauperis* or pay the \$402 filing fee. (ECF No. 5). The Court also directed Plaintiff to file a single, complete amended complaint. (*Id.*). Plaintiff has filed an amended complaint, but he has not filed an application to proceed *in forma pauperis*. (ECF No. 6).

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.

1 See 28 U.S.C. § 1915(b). The Court will grant Plaintiff an extension of time to either pay
2 the filing fee or file a complete application to proceed *in forma pauperis*, by **March 18,**
3 **2024.**

4 **II. CONCLUSION**

5 For the foregoing reasons, it is ordered that the Clerk of the Court will send Plaintiff
6 the approved form application to proceed *in forma pauperis* by an inmate, as well as the
7 document entitled information and instructions for filing an *in forma pauperis* application.

8 It is further ordered that Plaintiff has **until March 18, 2024**, to either pay the full
9 \$402 filing fee or file a complete application to proceed *in forma pauperis*, including a
10 financial certificate.

11 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
12 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
13 to refile the case with the Court, under a new case number, when Plaintiff can file a
14 complete application to proceed *in forma pauperis* or pay the required filing fee.

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16 DATED THIS 16th day of February 2024.

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19 UNITED STATES MAGISTRATE JUDGE
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